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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,688	04/04/2000	Nimesh Desai	770940-7	6165

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EXAMINER

GELAGAY, SHEWAYE

ART UNIT PAPER NUMBER

2137

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/542,688

Applicant(s)

DESAI ET AL.

Examiner

Shewaye Gelagay

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 and 28-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 19-24 and 28-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/18/06. In addition, the Examiner would like to point out claims 1-18 have been cancelled per reply filed on 11/12/04 but are labeled as withdrawn in the reply filed on 4/19/06. Appropriate correction is required.
2. Claims 1-18 have been cancelled. Claims 19-24 and 28-38 are withdrawn. Claims 25-27 have been examined.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 27 recites the limitation "the subset of data information" in line 7. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the claim recites "forwarding the information request to the selected vendors" and then "accepting responses from the recommendation engine based on information returned from the selected vendors".

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Applicant has not shown how information is returned from the selected vendors to the recommendation engine.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Dedrick U.S. Patent 5,717,923.

As per claim 25:

Dedrick teaches a network including a plurality of network devices operated by a plurality of users, a method for retrieving member profile information that provides for selective real-time information exchange of member profile information between external network devices and an information exchange system comprising the steps of:

granting, by a member, access to at least one data element associated with the member from the external network devices; (col. 6, lines 4-7; col. 7, lines 57-65)

retrieving the data elements associated with the member from the external network device to the information exchange system; (col. 3, lines 37-67; col. 5, line 50- col. 7, line 35) and

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storing the data elements on the information exchange system to automate access to member profile information from the external network device. (col. 3, lines 37-67; col. 5, line 50-col. 7, line 35)

As per claim 26:

Dedrick teaches a network including a plurality of network devices operated by a plurality of users, a method for retrieving member profile information that provides for selective real-time information exchange of member profile information between external network devices and an information exchange system comprising the steps of:

granting, by a member, access to at least one data element associated with the member from the external network devices; (col. 6, lines 4-7; col. 7, lines 57-65)

snarfing the data elements associated with the member from the external network device to an information exchange system; (col. 3, lines 37-67; col. 5, line 50-col. 7, line 35) and

emulating the member profile on the information exchange system to automate access the external network device. (col. 3, lines 37-67; col. 5, line 50-col. 7, line 35)

As per claim 27:

Dedrick teaches a network including a plurality of network devices operated by a plurality of users, a method for pushing selected member profile information that provides for selective real-time information exchange of information between network devices of a member and at least one selected vendor comprising the steps of:

authorizing, by a member, a subset of data elements associated with the member; (col. 6, lines 4-7; col. 7, lines 57-65)

providing the subset of data elements to a recommendation engine; (col. 3, lines 43-55)

converting, by the recommendation engine, the subset of data information an information request; ( col. 3, lines 55-67; col. 8, line 20-col. 10, line 59)

forwarding the information request to the selected vendors; (col. 3, lines 55-67; col. 8, line 20-col. 10, line 59) and

accepting responses from the recommendation engine based on information returned from the selected vendors. (col. 3, lines 55-67; col. 8, line 20-col. 10, line 59)

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER